

**TESTIMONY OF JANE SHANK, BOARD MEMBER,
MICHIGAN PROTECTION & ADVOCACY SERVICE, INC.,
ON RESTRAINT AND SECLUSION IN SCHOOLS**

My name is Jane Shank. I am a member of the MPAS Board of Directors and also serve as Executive Director of the Association for Children's Mental Health. ACMH provides information, support, resources, referral and advocacy for children and youth with mental, emotional, or behavioral disorders and their families.

My connection to the disability rights and advocacy world is first and foremost as the mom of a young man with mental health challenges. His experiences in kindergarten and first grade in the public education system were less than supportive which lead me to become his advocate. And that in turn lead me to find ACMH where I worked for six years as a Family Advocate in northern Michigan, then moved to three years as Statewide Coordinator of the Parent Support Partner project and then into Executive Director role.

Seclusion and restraint are punitive measures with no possible positive outcomes. They are not about safety, nor are they therapeutic. Seclusion is particularly pernicious because it involves both the use of physical force – to force children into a spaces where they do not want to go – and confinement against their will. Let's be clear – when we talk about seclusion we are not talking about a child choosing to go to a place to decompress or have a "time out." We are talking about use of force or fear to coerce a child into a closed cell. For a child with mental health issues or a history of trauma, seclusion is not only counterproductive, but it is dangerous.

A 2009 report by the Council on Exceptional Children, a well-respected national organization representing professionals in special education, concluded that seclusion was a dangerous practice that should only be used in emergencies involving imminent physical danger to self or others and only after less dangerous alternatives had been tried. If we had appropriate training in the use of positive behavioral intervention and supports, we would probably not have to be so concerned with 'safety' or the use of teacher's time in punitive measures-thus allowing them to have more time to teach. I know enough educators to know that those strategies are

available, and I know that when educators come forward and say “we have to be able to seclude your child,” that’s just not true.

As a parent, the unrestricted power of schools to use force against my child chills me to the bone. I urge you to take up the legislation and do something about it. Thank you.

**TESTIMONY OF SELENA SCHMIDT, BOARD MEMBER,
MICHIGAN PROTECTION & ADVOCACY SERVICE, INC.,
ON RESTRAINT AND SECLUSION IN SCHOOLS**

My name is Selena Schmidt. I am a member of the MPAS Board of Directors. I work for a health care system and have a family member with a disability.

Seclusion and restraint are dangerous practices, and for that reason their use is limited and regulated. We use them only as a last resort. As a health care provider, we are subject to limits on their use, reporting requirements, training requirements, minimum staffing standards, and the like. Virtually every service system I know of is subject to restrictions on their use. Every one. It continues to baffle me, then, that schools are subject to no restrictions. No training, no reporting, no limits on use, no dangerousness requirement, no requirement that less drastic alternatives be used, no prevention requirements. It’s baffling.

I view seclusion and restraint as failures in our systems of services and supports. If we have to seclude or restrain someone in our program, it is a crisis. It is a crisis brought on in almost all cases because we did not provide the proper supports or take proper preventative measures somewhere else in the person’s life. It is certainly not part of someone’s treatment and not something we would choose to use. We know better than that.

As a family member, the idea that untrained people are free to use force on my loved one without restriction, without any evidence that it is effective, and without telling or involving me just horrifies me. You have an opportunity to make this situation right. Thank you.